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MEMORANDUM

TO: Kevin Klingsheim and Jazlyne Ford
FROM: Colorado Legislative Council Staff and Office of Legislative Legal Services
DATE: September 25, 2017
SUBJECT: Proposed initiative measure 2017-2018 #57, concerning the repeal of the prohibition on open carry in Denver

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Colorado Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to repeal section 38-117(b) of the Denver Revised Municipal Code.

Substantive Comment

The substance of the proposed initiative raises the following comment:

As the ban on open carry is part of the Denver Revised Municipal Code, it cannot be repealed through an amendment to the Colorado Revised Statutes. The City and County of Denver has its own procedures for initiated changes to its ordinances. Here is a link to a website that contains an information packet prepared by Denver concerning its initiative procedures:

<https://www.denvergov.org/content/dam/denvergov/Portals/778/documents/CampaignInfo/2016InfoPacketInitiatedOrdinance.pdf>.